



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,066	06/21/2001	Franz Knauseder	20551/I/JR	2541

7590 02/24/2005

McGuire Woods LLP
1750 Tyson Corner, Suite 1800
McLean, VA 22102-4215

EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,066

Applicant(s)

KNAUSEDER, FRANZ

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 4-20 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 21-25 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3673

Election/Restrictions

Applicant's election of the species defined by claim 3 in the reply filed on December 01, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant's remarks with regard to claims 2, 21-25, and 31 will be taken as a listing by Applicant of all claims readable upon the elected species.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 21-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austrian reference 405,560 in view of German reference 29703962 when considering any of Scarlett, Keller et al., and Turner.

Austrian reference '560 discloses the configuration of attaching flat structural cladding or substrate components as recited in claims 1-20 of the instant application. Austrian '560 does not appear to disclose any specific use of adhesive with the attaching configuration. However, German reference 29703962 teaches utilization of a contact adhesive between tongue and groove joints so as to establish a secure

Art Unit: 3673

engagement between cladding panels of a substrate. And, each of Scarlett, Keller et al., and Turner teach application of an adhesive upon or within a locking joint between structural members with Scarlett, for example, teaching a desire to establish a self-locking assembly to achieve a joint which does not require independent clamping or other retention means during curing of the glue or adhesive, col. 3, lines 45-48 of Scarlett. See, also, col. 2, lines 24-39 of Scarlett.

To have provided the floor tile assembly of Austrian '560 with adhesive between and within the tongue and groove joints between the panels 1, 2, including any particular adhesive, thus securely fastening adjacent floor tiles one to another while realizing any and all advantages of adhesives within a self-locking joint, would have constituted an obvious expedient to one of ordinary skill in the art as taught by German reference 29703962 when considering any of Scarlett, Keller et al., and Turner.

Claims 1-3, 21-25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austrian reference 405,560 in view of German reference 29703962 when considering any of Scarlett, Keller et al., and Turner as applied to claims 1, 2, 14-16, 21-24, and 31 above, and further in view of Roesch et al.

Roesch et al., for example, teach utilization and advantages of various "two component" adhesives including microencapsulatable solvent adhesives that contain polymer resin and appropriate solvents as well as polyvinyl acetate base, methyl acrylate base, epoxide base etc. with such adhesives falling into a category of "latent

Art Unit: 3673

adhesive material that becomes active after appropriate activation" along with "an activator which induces adhesion".

To have provided the modified floor tile assembly of Austrian '560 with a two component adhesive, (including adhesive with activating substance, microencapsulated adhesive, etc.), between and within the tongue and groove joints between the panels 1, 2, thus securely fastening adjacent floor tiles one to another while realizing any and all advantages of such well known adhesives and particularly "two component adhesives", would have constituted an obvious expedient to one of ordinary skill in the art as taught by Roesch et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2481. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



M. Safavi
February 15, 2005

**MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354**